

# REPORT OF COMMUNICATIONS WITH THE ILLINOIS POWER AGENCY

This form must be completed and submitted to the Illinois Procurement Policy Board within 30 days for each communication report required by 30 ILCS 500/50-39. Submit reports to:

PROCUREMENT POLICY BOARD  
511 W. CAPITOL AVENUE, SUITE 102  
SPRINGFIELD, IL 62704

Or you may send a signed, scanned copy via email with "IPA Communication Report" in the Subject line to: [ppb@illinois.gov](mailto:ppb@illinois.gov)

Date of Communication: 2/5/13

Time of Communication: 1:30 pm

## Type of Communication:

- ☒ Telephone  
☐ In Person  
☐ Electronic (Email, Fax, Etc.) – Attach A Complete Copy of the Entire Communication String  
☐ Written – Attach Copy  
☐ Other



## Initiator:

Initiator of Communication: Kyle Barry  
Representing: FutureGen Industrial Alliance  
Location: Springfield IL  
Email Address (if communication was via email): [kbarry@mwcllc.com](mailto:kbarry@mwcllc.com)  
Telephone Number (if telephonic): 217-527-1282  
Is this person a Lobbyist required to register under the Lobbyist Registration Act

Duration of Call or In-Person Communication: 25 mins  
☒ Yes ☐ No

**Recipient(s):** *(If there are additional persons involved in the communication, attach an additional sheet that lists the other participants' names, job titles, which entity they represent, email address and/or telephone number, if applicable)*

Recipient One Name: See attached addendum  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email):  
Telephone Number (if telephonic):

Recipient Two Name:  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email):  
Telephone Number (if telephonic):

Recipient Three Name:  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email):  
Telephone Number (if telephonic):

If any of these additional participants are lobbyists required to register under the Lobbyist Registration Act, they must submit a written report to be submitted with this communications report to the Procurement Policy Board that memorializes the communication that includes, but is not limited to (i) the date and time of each communication; (ii) the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended; (iii) the identity and job title of the person to whom each communication was made; (iv) if a response is made, the identity and job title of the person making each response; (v) a detailed summary of the points made by each person involved in the communication; (vi) the duration of the communication; (vii) the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and (viii) any other pertinent information.

## Communication Details:

Provide a detailed summary of the points made by each person involved in the communication:  
See attached addendum

Was a response made? If so, complete the following for each person making the response *(attach an additional sheet that lists the other respondents' names, job titles, which entity they represent, email address and/or telephone number, if applicable)*:

Respondent Name:

Respondent Title:

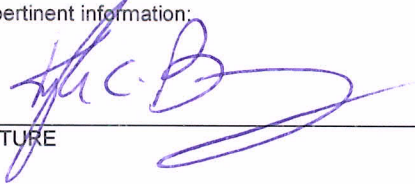
Location:

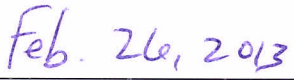
Telephone Number (if telephonic):

Provide a detailed summary of the response:

See attached addendum

Other pertinent information:

  
\_\_\_\_\_  
SIGNATURE

  
\_\_\_\_\_  
DATE

**Addendum to Communications Report with Illinois Power Agency for February 5, 2013 Teleconference**

On February 5, 2013, Arlene Juracek, Acting Director, and Michael Strong, Chief Counsel for the Illinois Power Agency, participated in a conference call with representatives of the FutureGen Industrial Alliance.

**Teleconference Participants:**

<b>Name</b>	<b>Employer</b>	<b>Party represented</b>
Arlene Juracek	Acting Director, Illinois Power Agency	Illinois Power Agency
Michael Strong	Chief Counsel, Illinois Power Agency	Illinois Power Agency
Kyle Barry	McGuire Woods	FutureGen Industrial Alliance
Paul Champagne	Acting Project Director, FutureGen Industrial Alliance, Inc., and President, PKM Energy Consulting, LLC	FutureGen Industrial Alliance
John Buchovecky	Van Ness Feldman	FutureGen Industrial Alliance

**Summary of Substantive Content of Communication:**

The participants discussed the following substantive matters/issues during the meeting:

- Mr. Champagne advised that the Alliance had circulated a MS Word version of the sourcing agreement to the service list for ICC Docket No. 13-0034. Mr. Champagne asked Director Juracek about her preference for how the workshops on the FutureGen sourcing agreement should proceed. Mr. Champagne suggested that the IPA might consider serving as the moderator for the workshops.
- Director Juracek stated that she believed that the chief active participants in the workshops would be ComEd and Ameren and ICC Staff. Director Juracek projected that the ARES would likely not be very active participants. Director Juracek said that the IPA would agree to serve as a facilitator at the workshops, but noted that the IPA has no authority to serve as an arbitrator. Director Juracek stated that the IPA could model the facilitation role after a similar model used for the development of the 1997 choice law.
- Director Juracek advised that she would be ending her term as Acting Director in mid-March, and that Anthony Starr would be joining the IPA as Chief of Staff later in February.



- Mr. Strong stated that he had received informal feedback suggesting that major issues relating to the sourcing agreement had been resolved, and that the new docket might not be very contentious. He said that he suspects that ICEA will mostly listen at the workshops.
- Mr. Champagne stated that he hoped that Mr. Strong was correct. He said that he had been in contact with Ameren and ComEd, and that talks had been constructive thus far. Mr. Champagne stated that the Alliance would welcome the IPA to serve as a facilitator at the workshops.
- Director Juracek asked whether the parties are still waiting for the ALJ to identify the issues for the Phase 2 proceeding.
- Mr. Barry stated that the ALJ's previous Order left the issues up in the air. Mr. Barry stated that the Order was also unclear about what the parties were required to submit for the Feb. 11<sup>th</sup> deadline.
- Mr. Strong stated that he has not seen any issues raised by the parties thus far that were highly objectionable.
- Mr. Champagne advised that the Alliance was still evaluating the issues submitted by the parties. He stated that he had not seen any serious issues yet. Mr. Champagne stated that the Alliance wanted to make sure that the current proceeding avoided retreading previous ground and issues that the Commission has already ruled on. Mr. Champagne stated that he had not yet seen any issues that cannot be resolved.
- Director Juracek stated that she had some concerns about issues raised by ICC Staff, particularly issues relating to the confidential benchmark Levitan and Associates had created.
- Mr. Barry stated that he had received no further input about the schedule, and that the ALJ's Order leaves it open-ended after February.
- Mr. Strong stated that ICC Staff might be sensitive given how the Commission overruled ICC Staff and the ALJ's Proposed Order.
- Director Juracek recommended that the host site for the workshops include break out rooms so that the parties could have confidential discussions if they desired.
- Mr. Barry said that he would attempt to accommodate the breakout room request.